THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.20546, 25826, 28006 and 28435 of 1995

18.8.2006

Between:

Syed Jamaluddin Ali Khan
And others

… Petitioners

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.20546, 25826, 28006 and 28435 of 1995

COMMON ORDER:

These writ petitions raise question whether the land admeasuring 3600 Sq.yards comprised in survey No.212 situated at Bakaram Village of Musheerabad Mandal in Hyderabad District, known in the locality as Abdul Haq Maqbara is Wakf land or not. The first and last writ petitions are filed by one Syed Jamaluddin Ali khan, who claims to be the duly appointed Muthawalli of the Wakf. When the District Collector, Hyderabad, issued proceedings bearing No.14/5358/91, dated 20.11.1995 purportedly in accordance with the judgment in Original Suit Nos.364, 365, 366, 369, 376 and 388 of 1988 on the file of the Court of the Special Tribunal-cum-Chief Judge, City Civil Court, Hyderabad specially constituted under the provisions of A.P.Land Grabbing (Prohibition) Act, 1982 (the Act, for brevity), allotting various extents of lands in survey No.212 of Bakaram Village in favour of contesting respondents, the present writ petitions are filed challenging the orders of District Collector. A.P. State Wakf Board filed W.P.No.28006 of 1995 challenging the similar proceedings whereas W.P.No.25826 of 1995 is filed by the grandson of late Nawab Hazrath Abdul Haq whose graveyard is situated in the land. He seeks a declaration that the land in survey No.212 is not Government poramboke land.

It is brought to the notice of this Court that the petitioner in W.P.Nos.20546 and 28435 of 1995 filed L.G.C.No.215 of 1995 on the file of the Special Court claiming that subject land belongs to the Wakf and for appropriate relief as against the contesting respondents alleging that they are land grabbers. After regular trial, by judgment and decree dated 16.3.2006, the learned Special Court held that the property is Wakf property and that it is not a Government property. In view of this, no further adjudication is required especially when the Special Court under the Act has held the property in favour of the Wakf. This position is not denied by all the Counsel appearing in the matter. Therefore, these writ petitions are disposed of observing that as per the finding recorded by the Special Court constituted under the Act in its judgment dated 16.3.2006 in L.G.C.No.214 of 1995 the land admeasuring 3600 Sq.yards in survey No.212 of Bakaram Village is Wakf property.

The writ petitions, with the above observations, are accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

August 18, 2006.

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